

2144 Broadway, #372  
New York, NY 10024

July 14, 2006

The Honorable John Gleeson  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 24 2006 ★

BROOKLYN OFFICE

Dear Judge Gleeson:

96cv5238

On March 21, 2006, the United States, acting through its attorneys at the direction of the Attorney General, filed a motion seeking "a ruling based on equitable principles that would allow U.S. Governmental agencies and instrumentalities that accepted Visa and MasterCard branded debit and credit cards during the Class Period and have submitted timely claims (hereinafter 'Government Merchants') to participate in the distribution of the Net Settlement Funds in this case." United States Memorandum of Law in Support of Government Merchants' Participation in the Distribution of Net Settlement Funds at 1. On the same day, Visa and MasterCard filed motions "urg[ing] the Court to find that the Government is entitled to receive its share of the net settlement funds." Memorandum of Visa U.S.A. Inc., Regarding the Right of the U.S. Government to Participate in the Distribution of Settlement Funds at 1; see also Memorandum of MasterCard International in Support of Government Merchants' Participation in the Distribution of Net Settlement Funds at 1 ("MasterCard joins the United States Department of Justice's arguments that as a matter of equity, Government Merchants should be permitted to share in the Net Settlement Funds"). On April 20, 2006, Lead Counsel filed a memorandum of law opposing the United States' application to participate in the distribution of the settlement funds. See Lead Counsel's Memorandum of Law in Opposition to the United States' Application to participation in the Distribution of the *In re Visa Check Settlement Funds* 1-2. This Court has referred the dispute to me for a Report and Recommendation.

Paragraph (d) of this Court's February 17, 2004 Order states that, "[u]nless otherwise directed by the Court, the Special Master's report and recommendation shall be filed with the Court and served on the parties by facsimile or overnight delivery no later than 30 days after the reply papers have been received by the Special Master." It further states that, "[u]pon application to the Court by the Special Master, that period may be enlarged by the Court."

Due to previous extensions granted by this Court, my Report and Recommendation is currently due on or before July 17, 2006. Earlier this week, counsel for the plaintiffs and the United States contacted me by telephone to request a brief adjournment so that the parties can discuss the possibility of settlement. Counsel informed me that the Defendants have consented to a brief adjournment as well. I therefore respectfully request that this Court allow me to file my Report and Recommendation on or before August 11, 2006, the date agreed to during my telephone conversation with counsel.

Respectfully Yours,

  
Robin Wilcox



MAIL BOXES ETC. ... of Manhattan's Upper West Side



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